## Table of Contents Rules and Regulations Kansas Water Appropriation Act January 2006

K.A.R. No.	<u>Title</u>	Page No.
Article 5-1.		
5-1-1	Definitions	1
5-1-2	Standby well	10
5-1-3	Permitting requirements of the Kansas water appropriation act	11
5-1-4	Water flowmeter specifications	
5-1-5	Variances from water flowmeter specifications	
5-1-6	Water flowmeter installation specifications	14
5-1-7	Requirement to install a water flowmeter or other suitable water-	
	measuring device	14
5-1-8	Water flowmeter maintenance	16
5-1-9	Criteria to determine when a water flowmeter is out of compliance	16
5-1-10	Duties of water right owner when a water flowmeter is out of compliance	e17
5-1-11	Water flowmeter testing by a nonagency person	18
5-1-12	List of water flowmeters certified by the manufacturer to meet the	
	specifications of the chief engineer	18
Article 5-2.		
5-2-1	Not in active use	19
5-2-2	Not in active use	
5-2-3	Battery of wells	
Antiala 5 2		
<b>Article 5-3.</b> 5-3-1	Application acceptable for filing	20
5-3-1a	Application acceptable for filing	
5-3-1a 5-3-1b	Application for a basin term permit	
5-3-10 5-3-2	Complete new application	
5-3-2 5-3-3	Priorities	
5-3-3a	•	
5-3-3a 5-3-4	Legal access	
5-3-4a	11	
5-3-4a 5-3-4b	Hearing prior to approval of application  Deadlines for return of documents	
5-3-4c	Retaining new applications	
5-3-4d	Stratigraphic log requirements	
5-3-4e	Groundwater source formation codes	
5-3-5	Approval of application	
5-3-5a	Authorization for the use of water for emergency purposes	25
5-3-5b	Approval of application for water for the development of underground	20
	storage in mineralized formations	29

K.A.R. No.	<u>Title</u>	Page No.
5-3-5c	Check valves	29
5-3-5d	Persons required to install a water level measurement tube	29
5-3-5e	Meters and other water-measuring devices; reporting readings;	
	maintenance, and replacement	29
5-3-5g	Designation of a water use correspondent	
5-3-5h	Water conservation plans	
5-3-5i	Time limit to implement a water conservation plan	30
5-3-5j	Maintenance of a water conservation plan	
5-3-5k	Review of a water conservation plan	31
5-3-51	Changes in a water conservation plan	31
5-3-5m	Limited power of attorney	31
5-3-5n	Authorized place of use	31
5-3-50	Amending water use reports	32
5-3-6	Forfeiture, revocation and dismissal	32
5-3-6a	Sealing pumps	33
5-3-7	Request for extension of time	
5-3-8	Certificate of appropriation	33
5-3-9	Public interest	34
5-3-10	Availability of water for appropriation - safe yield	34
5-3-11	Availability of water for appropriation - safe yield; unconfined	
	groundwater aquifers	35
5-3-12	Revoked	53
5-3-13	Dewatering of construction sites	53
5-3-14	Availability of water for appropriation - safe yield; confined	
	groundwater aquifers	53
5-3-15	Availability of water for appropriation - safe yield; surface water	53
5-3-16	Safe yield; exemptions for up to 15 acre-feet of groundwater	
5-3-16a	Closed areas; exemptions for up to five acre-feet of groundwater	55
5-3-17	Safe yield; miscellaneous exemptions	55
5-3-18	Applicant's opportunity to submit additional information	56
5-3-19	Maximum reasonable annual quantity of water for irrigation use	56
5-3-20	Maximum reasonable annual quantity of water approvable for a new	
	appropriation of water for irrigation use	56
5-3-21	Perfection of a water right for irrigation use	57
5-3-22	Maximum reasonable quantity of water for livestock and poultry	58
5-3-23	Maximum reasonable annual quantity approvable for irrigation use for an	
	application for change in place of use and a request to reduce a water right	
5-3-24	Reasonable quantity for irrigation use	
5-3-25	Conditions on permits and certificates	
5-3-26	Closed townships in Pawnee and Buckner drainage basins in Pawnee and	
	Buckner drainage basins in Hodgeman, Ness and Finney counties	
5-3-27	Equus Beds special groundwater quality area	
5-3-28	Lyons special groundwater quality area	
5-3-29	Ozark and Springfield plateau aquifers	65

K.A.R. No.	<u>Title</u>	Page No.
Article 5-4.		
5-4-1	Distribution of water between users where a prior right is being impaired	66
5-4-4	Well spacing	
5-4-5	Approval of application for additional rate only	
5-4-8	Custodial care of the state	69
Article 5-5.		
5-5-1	Filing an application for change	69
5-5-2	Revoked	70
5-5-2a	Complete change application	70
5-5-3	Change in consumptive use	72
5-5-4	Revoked	72
5-5-5	Signatures required on change application	72
5-5-6	Failure to construct diversion works at authorized location	73
5-5-7	Waste of water	74
5-5-8	Standards for approval of an application for a change in the place of use a	
5-5-9	change in the use made of water	
3-3-9	Criteria for the approval of an application for a change in the use made of water from irrigation to any other type of beneficial use of water	
5-5-10	Partial changes in the use made of water from irrigation to another type of	
3-3-10	beneficial usebeneficial use serious made of water from irrigation to another type of	
5-5-11	Applications for change in place of use for irrigation purposes	77
5-5-12	Net irrigation requirements (NIR)	
5-5-13	Relocation of alluvial wells	82
5-5-14	Duties of owners of approvals of applications and water rights	82
5-5-16	Additional wells	
Article 5-6.		
5-6-1	Application proposing storage, contents	84
5-6-2	Storage of water in watershed district reservoirs	
5-6-3	Potential net evaporation	85
5-6-4	Determination of potential annual runoff	86
5-6-5	Maximum reasonable annual quantity for storage of water for beneficial u	ise
	in a reservoir	
5-6-6	Initial filling and refilling of a reservoir	90
5-6-7	Determination of average annual potential net evaporation loss	
5-6-8	Determination of average annual seepage loss from a reservoir	90
5-6-9	Administration of surface water stored in a reservoir	
5-6-10	Authorized place of use for stored surface water	90
5-6-11	Reasonable rate of diversion for storage of surface water in a reservoir	

5-6-12

5-6-13

5-6-13a

Average annual precipitation ......91

Water level measurement tube specifications ......91

Check valve specifications .......101

<u>K.A.R. No.</u>	<u>Title</u>	Page No.
5-6-14	Irrigation with effluent from a confined feeding facility lagoon	101
5-6-15	Drainage basin boundaries	
Article 5-7.		
5-7-1	Due and sufficient cause for non-use	101
5-7-2	Waiver of hearing	106
5-7-3	Revoked	106
5-7-4	Water rights conservation program	106
5-7-4a	Conservation reserve program	108
5-7-5	Reduction of an existing water right	108
Article 5-8.		
5-8-1	Certification of a water right	109
5-8-2	Revoked	109
5-8-3	Perfection; multiple water rights	109
5-8-4	Construction of diversion works	109
5-8-6	Perfection of a water right	111
5-8-7	Extensions of time to perfect a water right	112
5-8-8	Owner required to allow chief engineer to conduct timely field inspecti	on
	for certification	113
Article 5-9.		
5-9-1	Application for temporary permit acceptable for filing	114
5-9-2	Priority	114
5-9-3	Quantity	114
5-9-4	Place of use limitation	114
5-9-5	Point of diversion limitation	114
5-9-6	Approval of application	114
5-9-7	Extension of time	115
5-9-8	Ownership	115
5-9-9	Reserved	115
5-9-10	Superceded by K.S.A. 2002 Supp. 82a-727	115
5-9-11	Documentation of access to source of water supply for temporary perm	
Article 5-10.		
5-10-1	Revoked	115
5-10-2	Revoked	115
5-10-3	Revoked	115
5-10-4	Waiver or exemptions	
5-10-5	Administration of water use among vested right holders	
5-10-6	Procedure for determination of an active vested domestic water right	
Article 5-12.		
5-12-1	Aquifer storage and recovery permitting	117

K.A.R. No.	<u>Title</u>	Page No.
5-12-2	Aquifer storage and recovery accounting	119
5-12-3	Hearings	
5-12-4	Aquifer storage and recovery systems in a groundwater management distri	ict120
Article 5-13.		
5-13-1	Notice of intent to open or expand a sand and gravel pit operation	120
5-13-2	Determination of "substantially adverse impact on the area groundwater supply"	120
5-13-3	Determination of when groundwater evaporation is a beneficial use	121
5-13-4	Exemption	
5-13-5	Approval of pit operations that are opened or expanded after the effective date of this regulation	
5-13-6	Determination of the maximum rate of diversion and annual quantity of w	
5-13-7	Offsets for evaporation of groundwater	
5-13-8	Offset calculations	
5-13-9	Easements and covenants	126
5-13-10	Time to construct the diversion works for a sand and gravel pit operation.	126
5-13-11	Time to perfect a water right for evaporation of groundwater	
Article 5-14.		
5-14-1	Enforcement	126
5-14-2	Request for conference hearing	
5-14-3	Administrative appeal to the secretary of agriculture	129
5-14-4	Appeal of the failure of the chief engineer to timely issue a certificate of appropriation	
5-14-5	Conditions of a request for a conference hearing	
5-14-6	Informal settlement	
5-14-7	Conversion of a conference hearing	
5-14-10	Civil penalties; suspension or modification of water rights	
5-14-11	Civil fines; water use reporting	
Article 5-15.		
5-15-1	Administration of minimum desirable streamflow	134
5-15-2	Minimum desirable streamflow consent orders	135
5-15-3	Cessation of minimum desirable streamflow administration	136
5-15-4	Standards for minimum desirable streamflow	137
Article 5-16.		
5-16-1	Definitions	
5-16-2	Fee to establish flex account and apply for term permit	
5-16-3	Establishing a flex account	
5-16-4	Conditions on the term permit	
5-16-5	Maximum annual quantity of water authorized by term permit	
5-16-6	Flex accounts and term permits	141

<b>K.A.R. No.</b>	<u>Title</u>	Page No.
5-16-7	Conditions under which a base water right may be exercised	142
Article 5-17		
5-17-1	Definitions for water banking	142
5-17-2	Application to deposit a water right into a water bank or withdraw	
	a deposit	
5-17-3	Contract for deposit of a water right	145
5-17-4	Application to lease water	146
5-17-5	Contract to lease water	147
5-17-6	Conditions on the term permit to exercise a contract to lease water	147
5-17-7	Contract to deposit water in a safe deposit account	148
5-17-8	Depositing water in a safe deposit account	149
5-17-9	Term permit to use water that was deposited in a safe deposit account.	149
5-17-10	Water bank charter proposal	150
5-17-11	Annual reports of water banks	151
5-17-12	Water use reports	152
5-17-13	Enforcement	153
5-17-14	Water flowmeters	153
5-17-15	Private sale or lease of water right facilitated by a water bank	154
5-17-16	Priority of use of water rights and permits	154
5-17-17	Waste of leased water and safe deposit account water	154
5-17-18	Reimbursable and non-reimbursable costs	154
Article 5-30.		
5-30-1	Approval of or permits for dams	155
	Subject Index	156